

**MINUTES OF THE JONESTOWN PLANNING AND ZONING COMMISSION  
REGULAR MEETING HELD JANUARY 16, 2008, 7:30 P.M. AT THE CITY COUNCIL  
CHAMBERS 18649 FM 1431, SUITE 3-A, JONESTOWN, TEXAS**

**1. CALL TO ORDER**

**CHAIRMAN MOORE**

Chairman Moore called the meeting to order at 7:30 p.m.

**2. ROLL CALL**

**SECRETARY**

The following members were present: Larry Oaks, Alan Yost, Robert Moore, Tricia Anglea and David Nelsen. Alternates Robert Donnelly and Gary Mermelstein were also present.

**3. APPROVAL OF MINUTES**

Regular Meeting, November 21, 2007

Commissioner Oaks made a motion to approve the minutes of November 21, 2007. Vice Chairman Yost seconded the motion which carried unanimously.

**B. CITIZENS COMMUNICATIONS**

There were no citizen communications on items not on the agenda.

**C. GENERAL BUSINESS AND ACTION ITEMS:**

**OLD BUSINESS:**

1. a. Public Hearing to consider a request by Gerald and Judy Seim, owners of 8.590 acres of Tract 31, Panoramic Hills, located along Mountain Top Circle, north of FM 1431, in the City of Jonestown's Extraterritorial Jurisdiction, for approval of a resubdivision of Tract 31, including the following variances from the Code of Ordinances:
  - 1) 94.020(b) - Lot 1 width is less than 150 feet.
  - 2) 92.045(b)(9) - Lot 1 frontage on a usable, dedicated public road right-of-way of less than 150 feet.
  - 3) 92.045(b)(8) - The ratio of average depth to average width for lots exceeding two and one-half to one (2.5:1).
  - 4) 94.020(b) - Lot 1 area of less than one (1) acre.

Chairman Moore asked for public input and a presentation by the applicant. Rick Vasquez, of Girard and Associates Engineering, and Judy Seim spoke to the commissioners. The reason for the subdivision is to cut the 1.5 acres into two lots. The tower has been there for 10 years, and they want to separate it from the rest of the tract. Commissioner Oaks asked why they can't meet the requirements. Mr. Vasquez and Mrs. Seim discussed this with the Commissioners. Chairman Moore said that the tower is already there whether this is approved or not. Commissioner Anglea asked about the future use of the small lot if the cell tower goes away. Mr. Vasquez stated that it will always be a cell or some other kind of tower for signal broadcasting use. Vice Chairman

Yost asked if it currently in use, and the answer was yes. Commissioner Oaks was concerned about the precedent in approving this small lot, and the implication of that approval for the next one that comes in with a request for a postage stamp size lot.

Judy Seim said that all they are trying to do is make it right and that now they only own the tower cite. Vice Chairman Yost voiced huge concerns for that small lot and he said he is not willing to approve less than the required setbacks. Commissioner Oaks asked about how the lot was sold, and Mrs. Seim said the real estate broker didn't tell her about the necessity to do a legal subdivision when she sold the rest of the property by metes and bounds. Robert Donnelly asked if they were planning to sell the piece to Verizon and do they have to do this to facilitate the sale of the property? Mrs. Seim stated that she is getting lease money from the cell company and isn't interested in selling it to them. Commissioner Oaks asked that this be sent to our city attorney for comment about the legality of selling lots without subdivisions.

Vice Chairman Yost made a motion to close the public hearing. Commissioner Nelsen seconded the motion which carried unanimously. Chairman Moore closed the public hearing.

- b. Discussion and possible action on recommendation to City Council of the above resubdivision.

Vice Chairman Yost made a motion to recommend to City Council denial of the request by Gerald and Judy Seim for approval of a resubdivision of Tract 31. Commissioner Nelsen seconded the motion which carried unanimously.

## **NEW BUSINESS:**

1. a. Public hearing of a request by Joey Sisca for a site development plan for his property located at 19101 FM 1431.

The applicant was not in attendance to address the Commission. Commissioner Oaks asked about the situation with his legal troubles with the city, but there was no information concerning that. Chairman Moore stated that he didn't think the site development plan complies with the ordinance. Vice Chairman Yost asked about the FM 1431 Overlay regulations and who looks at the plans. Chairman Moore suggested rejecting it since there is not enough information and the applicant is not here.

Commissioner Oaks made a motion to close the public hearing. Commissioner Nelsen seconded the motion, which carried unanimously.

- b. Discussion and possible action on recommendation to City Council of the above site development plan.

Commissioner Oaks made a motion to recommend to City Council denial of the request. Commissioner Anglea seconded the motion. Vice Chairman Yost offered a friendly amendment that the recommendation for denial is on the basis of FM 1431 Overlay

requirements not being addressed in the plan. Chairman Moore asked that Commissioner Oaks reword his motion to include that the site plan does not meet the FM 1431 Overlay requirements. Commissioner Oaks agreed to add that wording to his motion and Commissioner Anglea seconded the addition. The motion carried unanimously.

#### **WORKSESSION:**

1. Work session on recommendation to Council on industrial zoning district.

After a lengthy discussion, Vice Chairman Yost made a motion to table the work session, let Commissioner Oaks contact Mayor Pro Tem Buckle to discuss the Council's views and come back with it to the next meeting. Commissioner Nelsen seconded the motion which carried unanimously.

2. Work session on a proposed telecommunications tower ordinance.

Vice Chairman Yost explained his draft ordinance and the Commission discussed it. Several changes were made to the draft. Vice Chairman Yost made a motion to send the changed draft ordinance to legal counsel before going to Council for their consideration. Chairman Moore seconded the motion, which carried unanimously.

#### **D. ADJOURNMENT**

Chairman Moore adjourned the meeting at 9:50 p.m.

**PASSED AND APPROVED AT A REGULAR MEETING HELD ON FEBRUARY 20, 2008.**

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Robert Moore, Chairman

ATTEST:

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Linda Hambrick, City Secretary